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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/777,318                      | 02/12/2004  | Bruce Schofield      | 16420BAUS01U        | 5590             |
| 34645                           | 7590        | 01/21/2009           |                     |                  |
| Anderson Gorecki & Manaras, LLP |             |                      | EXAMINER            |                  |
| Attn: John C. Gorecki           |             |                      | PATEL, CHIRAG R     |                  |
| P.O BOX 553                     |             |                      |                     |                  |
| CARLISLE, MA 01741              |             |                      | ART UNIT            | PAPER NUMBER     |
|                                 |             |                      | 2441                |                  |
|                                 |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                 |             |                      | 01/21/2009          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   |                 |                  |             |
|---|-----------------|------------------|-------------|
| <b>Office Action Summary</b><br>(For use in the First Action Interview Pilot Program) | Application No. | Applicant(s)     |             |
|   | 10/777,318      | SCHOFIELD ET AL. |             |
|   | Examiner        | Art Unit         | Page 1 of 2 |
|   | CHIRAG R. PATEL | 2441             |             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

☐ Applicant's request to not have a first-action interview is acknowledged.

#### Status

- 1) ☒ Responsive to communication(s) filed on 6 November 2008 and interview conducted on 25 November 2008.
- 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 3) ☒ Claim(s) 1-13 is/are pending in the application.  
 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 5) ☒ Claim(s) 1-13 is/are rejected.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-7966  
 Examiner's Typical Work Schedule: 8:00AM - 4:30PM  
 Supervisor's Name: Jason Cardone  
 Supervisor's Telephone Number: (571)272-3933

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**Office Action Summary**

Application No.

10777318

Applicant(s)

SCHOFIELD ET AL.

Examiner

CHIRAG R. PATEL

Art Unit

2441

Page 2 of 2

**Notification of Rejection(s) and/or Objection(s)**

| # | Claim(s)        | Reference(s)<br>(if applicable) | Rejection<br>Statutory Basis | Brief Explanation of Rejection  |
|---|-----------------|---------------------------------|------------------------------|---|
|   | 1, 12           | A, B                            | 103(a)                       | Claim 1: A: [0042]; monitoring activity at network facility points [0057]; monitoring performance of carriers [0063]; determine status, see expanded discussion |
|   | 2-11, and<br>13 | A                               | 103(a)                       | 2. [ 0504], 3. [0745], 4. [0507], 5. ([0562], 6-7: [0785], 8 and 13. [085], 9-10. [0130], 11. [0294]  |
|   |                 |                                 |                              |   |
|   |                 |                                 |                              |   |
|   |                 |                                 |                              |   |

**Expanded Discussion/Commentary**

|  |  |   |
|--|--|---|
|  |  | Claims 1, 12: A fails to disclose medical images on a network. B discloses per abstract, transmitting, storing, retransmitting and receiving a plurality of electronic medical images, diagnostic readings for downtime. KSR -> both A and B same field of endeavor see Col 8 lines 38-40, to substitute monitoring and determining status of medical images for performance of carriers. |
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|  |  |   |

DATE:

LARRY D. CONAGHUE  
PRIMARY EXAMINER